IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3094 OF 2003
IN
FIRST APPEAL NO.1210 OF 2003

M/s Union Steel Industries .. ..Applicant
Versus
Maharashtra State Electricity Board ..Respondent

Mr.R.N.Sanghavi for applicant
Ms A.R.S.Baxi for respnodent

CORAM : ANOOP V. MOHTA, J.

DATE : 23RD NOVEMBER, 2005.

P.C.:

1. Heard.

2. The decree in question is passed based on the ascertainment of damages under Section 73 of the Contract Act. There are observations that the plaintiffs failed to prove the case by brining substantial material on record. Therefore, in this background one more aspect cannot be overlooked is that out of Rs.50,000/= damages, as computed, an amount of Rs.24,296.41 has been adjusted as per the order. The

balance remained is Rs.25,703.59. Considering the case, I am inclined to direct the appellants to deposit Rs.15,000/= towards the decretal amount at present within four weeks and that is the condition for relief as prayed in prayer clause (b) till decision. The respondents are at liberty to withdraw the said amount. The civil application stands disposed of with no order as to costs.